

REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Office Action dated August 4, 2004. In that action the Examiner entered a restriction requirement as to Group I (claims 1-24), Group II (claims 65-70, 75-80 and 88-101) and Group III (claims 81-87).

With this Office Action Response, Applicants maintain the withdrawn status of claims 1-24 and 81-87 in response to the restriction requirement.

II. RESTRICTION REQUIREMENT

Applicants hereby elect to prosecute the group designated by the Examiner as Group II, Claims 65-70, 75-80 and 88-101. Applicants respectfully traverse this restriction requirement.

The Manual of Patent Examining Procedures (MPEP) states:

If the search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct inventions.

(MPEP § 803 (emphasis added)). Applicants respectfully submit that there will be no significant additional burden on the Examiner to examine the withdrawn claims.

Independent claim 75, of elected Group II, requires the following:

wrapping a plurality of turns of a first battery cell;
wrapping a plurality of turns of a second battery cell...;
cutting the consecutively wound battery system to create a stacked battery system,
the amperage capacity of each cell of the stacked battery system based on a
length of the stacked battery system

Thus, in searching and examining claim 75, the Examiner will most likely look for art that teaches, among other things, wrapping a plurality of turns of a first battery cell, wrapping a plurality of turns of a second battery cell, and cutting the wound battery system to create a stacked battery system. Claim 81, of non-elected Group III, requires the following:

winding a first set of battery cells around a mandrel, the first set of battery cells
being a first battery cell in each rope; ...;
winding a second set of battery cells around the first set of battery cells, the second
set of battery cells being a second battery in each battery rope; ...;
cutting the battery ropes to lay substantially flat and have a substantially rectangular
shape

Thus, the search for art related to elected Group II substantially overlaps the search needed with respect to non-elected Group III¹.

Likewise, claim 76, of elected Group III, requires:

- wrapping the plurality of turns of the first battery cell around a substantially cylindrical mandrel; and
- wrapping the plurality of turns of the second battery cell around the first battery cell, thus creating a substantially cylindrical shaped wound battery system.

Thus, in searching and examining claim 76, the Examiner will most likely look for art that teaches, among other things, wrapping a plurality of turns of a first battery cell, and wrapping the plurality of turns of a second battery cell around the first battery cell. Claim 1, of non-elected Group I, requires the following:

- winding a first battery cell a plurality of turns around a mandrel; and
- winding a second battery cell a plurality of turns around the first battery cell.

Thus, the search for art related to elected Group VI substantially overlaps the search needed with respect to Group I.

Applicants respectfully submit that because the search required for the elected claims substantially overlaps the search needed for the remaining non-elected claims, and further because Groups III falls under the same class 29 and subclass and Group I falls under the same class and substantially the same subclass, there will be no serious additional burden to search and examine the Group I and Group VII claims.

For these reasons, Applicants respectfully request that the restriction requirement be removed and the case examined in its entirety.

IV. CONCLUSION

Applicants respectfully request reconsideration and allowance of the pending claims and a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

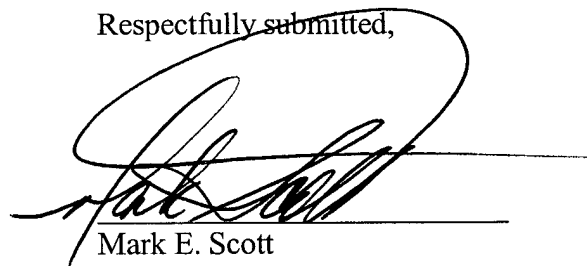
¹ While claim 75 from elected Group II does not call out a mandrel, to the extent the Examiner finds art that utilizes a mandrel is unlikely that the art will be discounted in evaluating the patentability of claim 75.

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Amendment Dated August 19, 2004
Reply to Office Action of August 4, 2004

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Scott', is written over a horizontal line. The signature is stylized and cursive.

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